IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 848 OF 2007

Smr. K. Fatima Khan.... Petitioner

versus

John Sylvister Disa & ors..... Respondent.

Mr. S.M.Oak i/b. Ms. Nayana Thatte & Sagar Joshi for the petitioner.
Srhi M.D.Angal for Respondent no.3.
Shri S.K.Chinchalikar AGP for Respondents 4 and 5.

CORAM; A.P. DESHPANDE, J.
DATED; 07TH SEPTEMBER, 2007

P.C ;

1. Rule. Rule made returnable forthwith. Taken up for final hearing by consent parties.

2. The revision application filed by the present petitioner before the Divisional Joint Registrar bearing No.51/03 came to be dismissed on merit and aggrieved thereby the present petitioner filed a review application before the Dvl.Joint Registrar so also filed a revision before the State Government. The review application came to be dismissed by an order dated 21-3-2006 by the Dvl.joint Registrar on the ground that the petitioner’s revision is pending with the Government. The revision filed by the petitioner before the State Government has been dismissed by an order dated 16-8-2006 by holding that

the revision is not maintainable. The position that is obtained is that the review applicaiton has been dismissed on the ground that the revision is pending with the State government and the revision has been dismissed on the ground that the same is not maintainable. In view of the fact that the revision has been found to be not maintainable, the learned counsel for the petitioner submits that the review application need to be heard and decided by the Dvl.Joint Registrar on merit. The learned counsel for the respondent submits that the Dvl.Joint Registrar does not have the power to review. I need not go into this question. The parties shall be at liberty to address the issue before the Dvl.Joint Registrar who has refused to consider the review application solely on the ground that the revision application is pending. Hence impugned order passed by the Dvl.Joint Registrar dated 21-3-2006 is quashed and set aside. The matter is remanded to the Dvl.Joint Registrar for decision of the review application in accordance with the law. The Dvl.Joint Registrar shall decide the review application after granting an opportunity of hearing to both the parties.

2. In view of the order that I have passed, there is no need to consider the challenge to the revisional order passed by the Divisional Joint Registrar. Hence

the writ petition is partly allowed. Rule made absolute in above terms.

....